

BOARD OF DESIGN REVIEW MINUTES

April 13, 2000

CALL TO ORDER: Chairman David Williams called the meeting to order at 6:36 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive

ROLL CALL: Present were Chairman David Williams; Board Members Walter Lemon III, Monty Edberg, Hal Beighley and Stewart Straus. Board Members Anissa Crane and Renee Cannon were excused.

Associate Planner Colin Cooper, Associate Planner Tyler Ryerson, Traffic Engineer Sean Morrison and Recording Secretary Sandra Pearson represented staff.

VISITORS:

Chairman Williams read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda issue or item. There was no response.

OLD BUSINESS:

PUBLIC HEARING:

Chairman Williams opened the Public Hearing and read the format of the meeting. There were no disqualifications of Board Members. No one in the audience challenged the right of any Board Member to hear any agenda items or participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda.

Observing that his firm had performed the civil engineering for the Lynann Park Subdivision, Mr. Edberg stated his intention of abstaining from participating on this decision.

CONTINUANCE:

- A. **BDR 99-00194/TPP99-00011 – SW HILLS BAPTIST CHURCH ADDITION AND TREE PRESERVATION**
(Continued from March 9, 2000)

Request for a Design Review approval to expand the SW Hills Baptist Church located at 9100 SW 135th Avenue. The expansion proposal includes additional parking and approximately 8,100 square feet of new building area for an entry, classroom space, administrative offices, and accessible toilets. Request for a Tree Preservation approval to remove trees within an area, which is identified as significant on Beaverton's Inventory of Significant Trees. The Tree Preservation Plan will be provided with this project to evaluate the impact to existing trees as a result of the expansion and improvement of the church. Map 1S1-28DB, Tax Lot 1801.

Associate Planner Colin Cooper presented the Staff Report and at the request of Chairman Williams, presented a video of the project that illustrated the site, trees and vegetation currently present. Surrounding properties were illustrated, including residences, and plans for the retention and removal of certain trees were outlined. Following the visual presentation, Mr. Cooper discussed the project and described the materials, color schemes, landscaping and parking lot proposed by the applicant. He outlined the major issues in dealing with this project, including storm water runoff, screening to the properties to the south and tree preservation, and mentioned that this entire site, which is zoned R-7, was the subject of a Conditional Use Permit to allow for any use as a church. The CUP was approved by the City Council following denial by the Planning Commission, and this original CUP, issued in 1981, runs with the land and is still current. This particular project is Phase II of the 3-phase expansion that was originally approved. He emphasized that a significant amount of growth will be maintained and that the City and applicant had worked together in an effort to prevent the removal of trees in the future Phase 3. He explained Condition of Approval No. 21, providing that the applicant shall submit a revised landscape plan prior to the issuance of the Site Development Permit that illustrates a continuous planting of evergreen trees on the northern and eastern edge of the water quality swale. The planting schedule shall illustrate trees be planted in a manner so that they will provide a continuous visual screen for the residents to the south.

APPLICANTS:

LARRY ABEL and **MATTHEW MATTSON**, 805 SE Sherman Street, Portland, OR 97008, architects for the SW Hills Baptist Church Expansion, appeared in support of the project, and noted that they are also represented by Pastor Kerry Francetich, as well as their Forester and Civil Engineer, all of whom are available to respond to questions. He described the site that the proposed addition will be situated in and provided pictures of the proposed project, discussing their attempt to extend to the west approximately 9,000 square feet of building addition and 56 vehicles in the parking with a minimum amount of impact to the growth of trees. He mentioned a new swale that will be along the south property line, noting that it will be visually screened by evergreen trees, vine maples and hedges. He noted that the White Oak, which is the most significant tree in the entire grove, would be preserved, and every attempt is being

made to maintain the proper conditions and distances to ensure that this tree will survive. He noted that measures have been taken to provide for the safety of the trees that are being maintained, and expressed his opinion that the landscaping will enhance the entire project. He described the paved roadway and new street trees, which will provide an inviting entry into the church, adding that the entire project is handicapped-accessible. He gave his assurances that the applicant is in agreement with all staff recommendations, noting that the item that Mr. Cooper had mentioned at the end of his presentation is Condition of Approval No. 21, rather than Condition of Approval No. 20. He noted that he is submitting an additional proposal for increased screening along the area in question, adding their intent is to increase the evergreen trees, add some cedar trees and fir trees, increase the vine maples and provide more of a continuous screen in that area.

Mr. Cooper observed that the applicant could enter this proposed revision into the record as an exhibit, adding that it will be assigned an exhibit number and the Board will have the option of adopting this revision.

Mr. Abel offered to respond to any questions regarding the project at this time, noting that the proposal at this time is only to complete the second phase of this three-phase project.

Mr. Lemon discussed the parking along the south property line, specifically whether fencing exists separating the parking lot and the neighbors' property. Mr. Abel informed him that there is a wooden good-neighbor type fence and that it is in good condition at this time.

Mr. Lemon mentioned plants along the new parking area to the south, and was informed that they are compatible with the existing plants, which already provides some screening.

Chairman Williams questioned the location of the trash facilities, and Mr. Mattsson indicated the current location, noting that this does not include an enclosure and that the applicant understands the possibility that further provisions for this may be required.

Chairman Williams described one of the pictures, noting that it indicates that refuse storage would be located in front of the existing multi-purpose hall. Mr. Mattsson informed him that this particular picture originates from a previous proposal to indicate potential future development and is not one of the documents prepared for the actual expansion.

Mr. Straus noted that the current document indicates something in that location, and Mr. Mattsson informed him that he is referring to a fire vault for the water line that feeds the building sprinklers.

Chairman Williams questioned where the mechanical units are located and Mr. Mattsson informed him that they are incorporated inside the building, with gas furnaces and closets, adding that for air conditioning purposes, the compressor units outside would be screened and fairly small and residential in character.

Chairman Williams observed that he had noticed the units but had been guessing what they were. Mr. Mattsson indicated that the applicant had not yet located and shown any of the units, as yet, although staff conditions provide for screening.

Chairman Williams mentioned the drain swale running around the southwest corner, and Mr. Able pointed out that the underground detention is still in that location, as well.

Mr. Edberg mentioned the impact to trees, and Mr. Mattsson clarified that the orientation of the swale is such that it should not impact any existing trees. Mr. Abel agreed that it is his understanding that only the smaller caliper trees will be removed. Mr. Mattsson discussed the replacement of some young Douglas Fir in order to preserve some of the larger firs and cause less impact on adjacent properties.

On question, Mr. Abel informed Chairman Williams that a design would be provided. Chairman Williams clarified that the Board prefers to know what type of design is intended, adding that this will be included in their motion. Mr. Abel indicated that the addition will be constructed to match the existing building, and Mr. Mattsson noted that that this should include some rough-sawn cedar, adding that the existing building is t & g, with a rough-sawn surface, which provides a very smooth appearance.

Chairman Williams questioned the location of the addition, and Mr. Abel indicated two possible locations.

PUBLIC TESTIMONY:

GARY GEIST, 9445 SW New Forest Drive, Beaverton, OR 97008, explained that his home is located on SW New Forest Drive, which is connected to SW 135th Avenue, and testified that while the original plan had provided for the retention of the trees, those trees have been gradually disappearing. He questioned the size of the replacement trees, specifically whether they will be seedlings, 6-feet, 8-feet, 12-feet, as well as the type of landscaping included in the future landscaping, emphasizing that the appearance of the property at this time is not attractive.

Mr. Mattsson informed Mr. Geist that the replacement trees are a minimum 6-foot height, fully branched and well developed. Observing that the current characteristics of the site is basically a natural area with grass and trees and no artificial landscaping, he agreed that the grass has become overgrown and it is

time for maintenance. He explained that the area would be landscaped basically to meet Unified Sewerage Agency standards, with indigenous plant materials, which will create a buffer for the residents to the south. He mentioned the species, which include Oregon grape, other ground cover, vine maples and other flowering trees, as well as grass in the swale itself, which will provide for a more established and refined appearance.

Mr. Geist questioned landscaping in the third phase, and Mr. Mattsson informed him that during the third phase, the only intent is to replace the lawn areas that are disturbed by the construction, adding that this area is not actually a manicured landscape area at this time. On question, Mr. Mattsson informed him that the applicant is replacing the street trees on one side and adding new street trees along the other side, between the property line and the back of the sidewalk.

Mr. Able informed Mr. Geist that the pastor had assured him that the lawn would be mowed on Monday, April 17, 2000.

Mr. Cooper apologized for overlooking the lack of a trash enclosure, and noting that while this is at the discretion of the Board of Design Review, six feet is the established minimum standard height for screening.

The public testimony portion of the Public Hearing was closed.

Mr. Lemon **MOVED** and Mr. Beighley **SECONDED** a motion to approve TPP 99-00011 – SW Hills Baptist Church Tree Preservation Plan, based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated April 13, 2000, including Conditions of Approval Nos. 1 through 3.

Motion **CARRIED**, unanimously.

Mr. Lemon **MOVED** and Mr. Straus **SECONDED** a motion to approve BDR 99-00194 SW Hills Baptist Church Addition, based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated April 13, 2000, including Conditions of Approval Nos. 1 through 22, with modifications and additional conditions, as follows:

- 21 The applicant shall submit a revised Landscape Plan prior to the issuance of the Site Development Permit that illustrate a continuous planting of evergreen trees on the northern and eastern edge of the water quality swale. The planting schedule shall illustrate that the trees be planted in a manner so that they will provide a continuous visual screen for the residents to the south. The applicant shall also intersperse Vine Maple trees clusters in order to provide screening for this area. **The revised Landscape**

Plan, Exhibit 10, dated April 13, 2000, has been submitted and approved.

- 23. A trash enclosure shall be constructed in the northeast corner of the southwest landscaped area, south of the access road to 135th Avenue. The enclosure shall be a minimum of 6-foot in height above lowest adjacent finished grade. The exterior skin of the enclosure shall match the existing skin of the building.**

Mr. Lemon **MOVED** and Mr. Straus **SECONDED** a motion that the motion be amended to include the following addition to Condition of Approval No. 23.

- 23. The gate on the enclosure shall be an opaque material.**

Motion, as amended, **CARRIED**, unanimously.

NEW BUSINESS:

A. BDR 99-00207 – LYNANN PARK SUBDIVISION

Request for Design Review approval of a proposed 11-unit residential community. The proposal includes new buildings, landscaping, courtyard and parking areas. The site is approximately .64 acres of land located at 4975 SW 141st Avenue, between Farmington Road and SW 6th Avenue, and is zoned Urban Medium Density (R-2). Map 1S1-16BC; Tax Lot 1700.

Associate Planner Tyler Ryerson presented the Staff Report and material samples proposed for this project, noting that this application is in conjunction with subdivision application (SUB 99-00017) and administrative variance (VAR 2000-0001) both applications of which are administrative and will not be heard at this time. He referred to a group of letters, dated April 6, 2000, which are included in today's packet and will be referred to as Exhibit No. 16. He observed that he had also received copies of several other letters tonight, which he assumes have also been distributed to the Board Members. He presented a video illustrating the neighborhood as it currently exists, and described the proposed 17 parking spaces which will be located parallel to 141st Avenue. He mentioned that the property is zoned R-2, and described the proposed ingress along the south property line and egress along the north property line. He clarified that the proposal includes six single-family dwelling and two duplex lots, for a total of nine lots (eleven units) in the subdivision. One lot has not been proposed to be built at this time, although the applicant is requesting Design Review approval for the entire nine lots. He pointed out the R-10 zone across the street, to the east, which includes single family homes. He noted that the attached units consist of two buildings in which a courtyard is proposed, and mentioned that one item of concern has been the proposed garbage collection facility to the north, due to the close proximity to one of the neighbors. The Facilities Review Committee has recommended a 6-foot cedar "good neighbor fence" and the applicant is proposing to include redwood

slats in the existing 5-foot cyclone fence. He summarized that compatibility with the neighborhood, as it exists, has been a major issue, although there has been a great deal of communication between the staff, the applicant and the neighborhood, adding that many of the neighbors are here to testify tonight. He mentioned another major concern, the proposed 6-foot good neighbor fence, adding that this issue is at the discretion of the Board. He mentioned other major issues, including the trees on adjoining properties and the trash enclosure, as well as several other issues that had been addressed, such as the parking lot, screening, landscaping, the covered parking lot and the lighting underneath the carports. He briefly described the appearance of the buildings, which includes cedar or hardiplank siding and a composite roof. He stated that staff is recommending approval, adding that he is available for questions and comments.

Mr. Straus questioned the quantity of parking spaces compared with the minimum and maximum requirements, and Mr. Ryerson informed him that 17 parking spaces are proposed, although the minimum requirement is one space per unit and maximum allowed is two spaces per unit, adding that Traffic Engineer Sean Morrison is available for comment on this issue.

Mr. Straus discussed the most southerly parking space on the interior side, noting that there appears to be some potential for difficulty in maneuvering a vehicle. Observing that the administrative variance provides for angled parking, Mr. Ryerson deferred the question to Mr. Morrison, who requested that Mr. Straus repeat his question.

Mr. Straus repeated his question, specifically that the most southerly parking space on the interior side of the lot appears to not have adequate space behind the stall to allow a vehicle to maneuver, particularly when pulling out. He explained that in order to pull out, a vehicle must be positioned to allow egress to the north, according to the established traffic pattern. Mr. Morrison responded that the space in question is identified as a 45-degree entry angle, noting that the Development Code requires a 12-foot wide aisle. Mr. Strauss indicated that while he understands this, common sense makes it obvious that when a vehicle exits that particular space, it will also be attempting to position itself to drive to the north, adding that there is no place for that car to maneuver. Although the number of parking spaces is in compliance with the code, a vehicle can not exit this space without driving over the adjoining plants. Mr. Morrison stated that staff does not disagree with Mr. Straus' opinion that this particular space will require some additional backing movement, noting that the Facilities Review process had determined that while this is not the most ideal situation, it does meet minimum requirements for safe and efficient circulation. Mr. Straus suggested the possibility of shifting the entire group of parking spaces further to the north or changing the angle of that particular space, and Mr. Morrison informed him that both of these suggestions are potentially possible.

Mr. Straus referred to the planted area at the north end of the run of cars at the exterior side, specifically a rather skimpy sliver of planting area with a tree illustrated. Observing that requirements provide that planted areas be the size of a parking stall to qualify as interior planting, although they have been reduced under certain circumstances, he emphasized that this particular planting area is considerably less than what has ever been deemed acceptable in the past. He pointed out that the curbs at this location appear to overlap one another, adding that he does not believe there is adequate space for anything to grow in that area. Observing that the tree is situated in such a way that a front bumper would most likely hit it anyway, Chairman Williams questioned whether the code provides for the requirement of a tree at this particular location. Mr. Cooper informed him that nothing in the code provides for the requirement of this particular tree, adding that trees are located at the discretion of the Board of Design Review standards (one parking lot tree per twelve spaces). Mr. Lemon expressed his opinion that even a mid-size car would have a hard time avoiding a tree in this area, and Mr. Morrison agreed that the landscaping in this area could be modified and the applicant may choose to revise the landscape plan.

APPLICANTS:

PHILLIP THOMPSON, 33470 Chinook Plaza, Scappoose, OR 97056, architect for the project, discussed the project and briefly highlighted some of the details of interest in the development. Describing the site as 160 feet by 170 feet, he clarified that the owner proposes to construct fairly large 2-bedroom units, consisting of approximately 1600 square feet, although in order to have a minimum impact on the neighborhood, they are attempting to keep these units as compact as possible. He mentioned that this proposal includes 1-3/4 story high units adjacent to the two R-2 zone properties that have single family houses on them, noting that the immediate adjacent building is only one story high. He presented pictures of the proposal, noting that the shape of the project allows only two development options. He described the first option, with a driveway access down the middle, including garages or carports, which they rejected due to density requirement that would provide for garages under the units, resulting in three story units, which he believes is unacceptable to both the applicant and the neighbors. He described the option proposed, which includes a pedestrian access courtyard, providing for parking in the front, allowing the applicant to stagger the setback of the units for visual interest.

Mr. Thompson emphasized that a great deal of effort had resulted in designing the units with a residential style. He mentioned that the west side of the development includes two duplex flats, next to the adjacent Westbrook development, which is currently developed to a similar density. He stated that the duplex flats were proposed as a means to achieve the 80% maximum density required by the code. He mentioned that at a recent neighborhood meeting, Mr. Biden had offered to delete two of the duplex units, if approved by the City, emphasizing that the applicant is constrained by the minimum density requirements and the

Comprehensive Plan. This provides that all new housing developments shall conform with the designated housing density, regardless of building type, site size or timing, as related to other developments.

Mr. Thompson expressed his opinion that the applicant had done a good job in designing a project that meets the conflictive needs of the site, the neighborhood and the code, adding that people should enjoy living there. He explained that the site would be heavily landscaped, featuring both individual front and rear yards. He pointed out that Mr. Biden always provides excellent landscaping, above and beyond what is required, and referred to several of his prior projects, including Sara Knoll and Highton Ridge, both of which are located in Beaverton. He clarified that the Homeowner's Association will maintain the courtyard and common areas, both of which can be utilized by all residents of Lynann Park.

Mr. Thompson explained that they prefer no enclosed trash enclosure, adding that they prefer that each individual unit utilize their own garbage can. He mentioned that they are in disagreement over the fencing issue, observing that there is a perfectly good existing 5-foot cyclone fence around three sides of the property. He noted that their proposal for dense screening adjacent to the fences provides necessary privacy and that the design of their proposed screening is the best visual solution.

In response to staff's suggestion that they remove the cyclone fence and construct a "good neighbor" fence, Mr. Thompson pointed out that wood fences create a maintenance problem as well as a "bad neighbor" policy, which keeps the neighbors out. He pointed out that they would be required to trespass on neighbors to construct this fence or set the fence back from property line, which would impact the proposed development. He discussed the issue of manual versus automatic irrigation, observing that automatic irrigation often causes over-watering, which leads to poor plant health after the first two years. He proposed their proposal for manual irrigation be approved, expressing his opinion that this provides the best solution. He referred to Item 16 of the judgement, specifically a sign clause, which rejects certain signs, observing that some type of real estate signage is necessary to market these units, which are for sale. He discussed the 3-foot 6-inch concrete block requested by staff for screening the parking lot, observing that the Police Department had suggested 3-foot, in order to allow visibility for vehicles leaving the driveway. He reminded the Board that while 11 spaces are required, they are proposing to provide 17, although they are willing to make necessary revisions, and offered to answer any questions at this time.

Mr. Lemon requested clarification on the duplex units that the applicant is willing to delete from the proposal, and Mr. Thompson indicated which units he has referred to and explained the deletion of the duplex units and the addition of another 1-3/4 story unit.

Mr. Lemon referred to the fence situation and described the Facilities Review Process and guidelines, adding that this body is unable to make modifications to the recommendations of the Facilities Review Board. Mr. Thompson informed him that Mr. Ryerson had indicated that the situation with the fence could be determined by the Board of Design Review. Mr. Lemon clarified that the Board of Design Review can make this determination in the event that their decision is not in conflict with a decision of the Facilities Review Board.

Mr. Straus referred to several similar projects he has been personally involved in, expressing his concern with the carports and screening at the front of the project, which have the appearance of a totally unrelated project. Noting that the carport is the most visible from the street, he stated that there doesn't seem to be any attempt to blend in architecturally with other parts of the project. He mentioned the angled parking, the skewed-shape appearance and the flat-appearing roof, and Mr. Thompson informed him that this picture makes the roof appear flatter than it actually is. Mr. Straus questioned the possibility of revisions that would create an appearance more in character with the remainder of the development. Mr. Thompson advised him that the concept had been to make this area as transparent as possible, adding that a portal-type of design had been considered, although they had determined that this would provide too much emphasis, although this is an option. Mr. Straus reiterated that he is simply expressing his concern with the awkward appearance. Mr. Thompson discussed a similar carport situation on Hayden Island on the Tomahawk Island area with pole-construction carports with flat roofs, adding that although they had discussed it, they had decided against a flat roof, adding that some sort of a portal might provide a good solution.

Mr. Straus mentioned the wall and landscaping at the front, noting that the wall appears to run through the middle of the landscape, and as a result, the public side of that wall might not provide sufficient screening. Mr. Thompson informed him that they had determined that the wood screen on top of the wall would solve that problem, although there had been some confusion regarding the size of plantings near the parking spaces. Mr. Straus questioned whether the structure situated on top of the wall consists of a trellis-type thing, or simply a latticework that extends along the wall. Mr. Thompson clarified that these two-by-twos are four inches on center, providing a sort of a railing, adding that there is an 8-inch parcel on top of the structure. He pointed out that Mr. Biden is willing to install taller plants to provide more screening, emphasizing that every attempt had been made to design this to resolve all issues that have been raised. Chairman Williams clarified that code restrictions do not allow a 6-foot row of arborvitae, although he has personally observed some in the neighborhood, which he finds rather odd and not particularly safe.

Referring to the concrete block wall and the fencing, Mr. Beighley suggested the possibility of including Boston Ivy or wisteria to climb and add color to help break up the visual effect. He also recommended that the street trees, specifically the Norway Maple and the Red Maple, be upsized to 2-inch caliper to offer

additional scale to the project. He suggested that the emerald green arborvitae be a minimum of 4-foot height.

Mr. Beighley questioned who would assume responsibility for the manual irrigation system, and Mr. Thompson informed him that Mr. Bidden would assume this responsibility through at least the first year, although the prospective property owners would eventually assume this responsibility. Mr. Beighley pointed out that he could easily challenge this issue, as opposed to the certainty of an automatic system.

Mr. Beighley mentioned the trash enclosure and questioned the existence of a trash hauler that is willing to do the curbside pickup, and Mr. Thompson informed him that this pickup would be inside, at the courtyard. He mentioned that he has a problem with the potential storage of a 30-gallon trashcan, and Mr. Thompson noted that the utility room would have to be adjusted to some extent to provide for this. Mr. Ryerson explained that a trashcan is typically stored in a garage, adding that because there are no garages, this is an issue that concerns staff. Mr. Thompson indicated that the utility room is located at the front door, although they will clearly need more space than anticipated. Mr. Straus questioned the possibility of requiring small storage room with an exterior door for trashcans for each unit, and Mr. Ryerson agreed that this is not prohibited and would provide a good alternative solution. Mr. Straus emphasized that regardless of where this utility room is located, it is an unreasonable assumption that someone will store a 30-gallon trash can within their house to drag through the hallway outside for pickup on trash day. Mr. Thompson mentioned the possibility of a picket fences as opposed to storage room for trash storage, and Mr. Straus informed him that this must be six feet high. Mr. Thompson informed him that the fence would be four feet high, and Mr. Straus clarified that it must at least conceal a garbage can. Mr. Ryerson discussed the enclosure for a typical garbage enclosure for multiple units, adding that there could be some flexibility for these individual can enclosures. Observing that there is a great deal of testimony to hear yet, he suggested that the Board return to this issue later.

Mr. Beighley questioned the status of the offer of the applicant to reduce the duplex units in the development, and Mr. Ryerson emphasized that it is necessary to demonstrate that a project meets the minimum density requirements. He added that although it is not necessary to build all eleven units, the applicant must show that they can get all units on the property without a variance. Chairman Williams observed and Mr. Ryerson agreed that although the one unit that could be added in the future allows compliance with the eleven necessary units, it is not reasonable to assume that additional stories will be added at some future time.

Mr. Lemon expressed his concern with the fencing system, particularly the use of wood, which does create a maintenance situation, and Mr. Thompson verified that the proposal includes unpainted redwood for this fence.

Mr. Cooper pointed out that the owner of the property is present to express his support of the project.

WARREN BIDEN, 7299 SW Hunt Club Lane, Portland, OR 97223-9439, appeared in support of Lynann Park, noting that he intends to use redwood, left in its natural state, rather than cedar, for the fencing. He indicated that his intent is to participate in the rebuttal following public testimony, and was reminded that his rebuttal will be limited to rebuttal, and no new issues will be addressed. Emphasizing that the applicant is working with 23-foot wide units, Mr. Biden pointed out that after all the other amenities are included, there will not be adequate space for the garbage enclosure that had been suggested. He expressed with the neighbors' opposition to a dumpster, doesn't want dumpster, adding that the only solution would be to store the cans in the house or in the back yard, which would require carrying them through the house at some point. He observed that the 2000 square foot lots and the existing density necessitate some sacrifice, adding that this trash should be collected at the curb along with the neighbors' trash. Mr. Lemon requested clarification of pick up "at the curb" versus "at the door", and Mr. Biden indicated the location of the proposed pick up. Chairman Williams and Mr. Lemon informed Mr. Biden that this had not been the understanding. Mr. Biden commented that the applicant had not been aware of any possible flexibility in connection with the outside dumpster, and Chairman Williams pointed out that it is unlikely that the garbage haulers will be willing to walk through the courtyard to pick up the trash. Mr. Biden referred to sunken garbage cans that had been located at front doors in the past, although this has not been accepted for the past 20 years.

Following a recess from 8:22 p.m. to 8:32 p.m., Chairman Williams stated that the Board of Design Review would temporarily revert to another agenda item, approval of minutes, in order that Mr. Edberg, who will not be voting on Lynann Park, can be excused.

APPROVAL OF MINUTES:

The minutes of March 23, 2000, as written, were submitted. Chairman Williams asked if there were any changes or corrections. Mr. Lemon **MOVED** and Mr. Straus **SECONDED** a motion that the minutes be adopted as written.

The question was called and the motion **CARRIED** unanimously, with the exception of Mr. Beighley and Mr. Edberg, who abstained from voting on this issue.

Mr. Edberg was excused.

Observing that he has 12 yellow cards, indicating that 12 members of the audience wish to testify regarding Lynann Park, Chairman Williams requested that speakers limit their testimony to five minutes.

PUBLIC TESTIMONY:

JUDY BROWN, 4970 SW 141st Avenue, indicated the location of her house, noting that she has lived directly across the street from the proposed development for 33 years. Observing that this neighborhood has not changed since the 1970's, she expressed her opinion that this proposed development does not blend into the existing neighborhood. She emphasized that no on street parking is available in the neighborhood, with the result that this two-way street has only one traffic lane, which causes concern with any overflow traffic created by visitors. She stressed that the Development Code protects the integrity of the neighbors, emphasizing that she is opposed to this project which is not compatible or harmonious. She read into the record a letter from the NAC and requested denial of the application.

MARK BASS, 5050 SW 141st Avenue, indicated the location of his home on the map, pointing out that he had purchased this home 4-1/2 years ago because of large lot, the nature and stability of neighborhood. He pointed out that he is the newest homeowner on block, and is particularly concerned with the fence situation. He expressed his opinion that a 5-foot chain-link is more of a window than a fence, adding that even with the slats, this is still only a 5-foot fence. He noted that most of the yards in the neighborhood are fenced, not to keep people out, but to keep their own pets and children in. He requested that if approved, the applicant be required to install at least a 6-foot board fence, not necessarily a "good neighbor" fence. He expressed concern that two people does not necessarily mean only one car per unit, adding that with no street parking, this could create problems. Observing that the homeowners will be responsible for their own lawn maintenance, he called attention to the fact that these units have no garages or storage available for storage of lawnmowers, tools or lawn refuse. He emphasized that he is opposed to this project which will destroy the livability of this older, but attractive, established neighborhood.

Mr. Lemon questioned whether "No Parking" signs are located on this street.

CARLA MUSS-JACOBS, 4915 SW 141st Avenue, Beaverton, OR 97005, indicated the location of her home on the map, observed that when she first moved into the neighborhood in 1995, she was immediately cautioned by neighbors to be careful of speeders on the street. She described 141st Avenue as a basic two-lane street, not designed for parking and sidewalks, adding that the proposed development design does not include adequate parking for residents and guests. She expressed her opinion that one unit indicates two vehicles, adding that eleven 1600 square foot units will result in 22 cars, not including guests and the 17 proposed parking spaces are not adequate. She explained that a car parked on 141st Avenue literally takes up an entire traffic lane, and read an excerpt from the Development Code, specifically Section 40.10.05.8, which states that the purpose and objectives of the design review process are to prevent undue traffic

congestion and pedestrian hazards. She emphasized that 141st Avenue has already been included in the Traffic Calming Program, adding that it has been determined that conditions exist necessitating traffic calming remedies. She described several near-accidents she had witnessed involving vehicles and children, one of which involved her own son. She discussed the suggestion of storing trash within the proposed units, observing that she finds this obnoxious, is certain that it must be in violation of health and safety issues and that it would make the units unlivable.

GERALD SHELBACK, 5070 SW 141st Avenue, Beaverton, OR 97005, indicated the location of his home on the map, noting that he has lived here for 32 years and expressing his opposition to the proposed development. He expressed support of all of the issues previously raised by others and requested denial of this application, which will change the entire character of his neighborhood.

SUZANNE HEILY, 5090 SW 141st Avenue, Beaverton, OR 97005, indicated the location of her home on the map and discussed a meeting that took place April 10, 2000 between Mr. Bidden, his architect and the Friends for the Preservation of 141st Avenue. She observed that at that time, Mr. Biden had indicated that he would prefer to build only eight units, with the intention of replacing the two 2-story flats on the west end with two 1-3/4 story single family dwellings. The neighbors agree that reducing the number of families would help to reduce the noise and congestion and stated that they would support any efforts of Mr. Bidden on this variance. Observing that this area is too small to support this many families, she requested that this application be denied.

NORMA STICKNEY, 14155 SW Rocklyn Place, Beaverton, OR 97005, indicated the location of her home on the map, and stated that her property is immediately adjacent to the west end boundary of the proposed Lynann Park Subdivision. She emphasized that she is most concerned with the placement of the 2-story flats at the end of the property, pointing out that this will allow direct viewing into her entire yard. She expressed concern with the invasion of her privacy and peace of mind, as well as the safety of her two very young grandsons. She indicated that she prefers a six-foot high cedar or redwood fence inside the existing cyclone fence, stressing that she does not want the cyclone fence removed. She explained that this fence would help to secure her property as well as the property of the development and ensure the privacy she is entitled to, adding that the proposed landscaping will not mature to the point of providing any privacy for many years. On question, Ms. Stickney informed Mr. Lemon that she does not know who owns the existing chain link fence.

GLACIER TAJWALL, 4975 SW 141ST Avenue, Beaverton, OR 97005, indicated that she is a renter currently living on the site proposed for the development of Lynann Park. She observed that this particular rental had fulfilled all of the requirements of her family, a home with a large yard, in an established, older neighborhood, rather than crowded into a small space with many other units. She expressed her opposition to the removal of this existing home that fits into

this neighborhood for the construction of a development that would not complement the rest of this area. She emphasized that this development does not belong, adding that rickety chain link fence indicated in the video is actually a part of a development in the Westbrook area. She expressed her opinion that this development should not be approved and made several suggestions for possible design changes that might be more acceptable in this neighborhood.

ROSE GALANTE, 4925 SW 141st Avenue, Beaverton, OR, indicated the location of her home on the map and expressed her appreciation to Mr. Ryerson and other members of the staff for their courtesy, assistance and immediate response to her numerous concerns throughout this project. She cited various sections in code, including Section 40.10.05.1, Section 40.10.05.9, Section 40.10.05.10, Comprehensive Plan 3.4.2.5 and Development Code 20.05.35.2A1-7. She observed that her reference to the Comprehensive Plan provides that residential efforts should be increased in the Central Beaverton area to take advantage of its proximity to a wide variety of urban services, emphasizing that these efforts must be balanced against preserving single family housing stock and the stability of neighborhoods. She discussed her reference to the Development Code; specifically sections providing for permitted uses and primary uses for R-2 zoning, and conditional uses and secondary uses for R-2 zoning and prohibited uses. She expressed her opinion that the construction of the proposed development is in violation with the primary use of this zone, stressing that it is not necessary to remove the existing home which could be remodeled and sold to a single family for a profit. She described this development as the second step to the destruction of the neighborhood, pointing out that several nearby property owners have either already left or are making plans to leave this well-established community. She observed that these properties would be leased, rather than sold, in an effort to prevent further undesirable development, adding that the character of this street will change drastically. She requested that the provisions of the Comprehensive Plan be enforced and that this application be denied.

She referenced further sections in the code, specifically Section 40.10.15.3C2D, Section 40.10.15.3B11, and Section 60.25.20, and her letter dated March 14, 2000, which is included in the Staff Report. She expressed concern with the accuracy of the entire site and architectural plans regarding this proposal, significant trees, and oil tanks currently located on the property.

SUSAN KOSAK, 4925 SW 141st Avenue, Beaverton, OR 97005, indicated the location of her home on the map and expressed her opposition to the proposed development. In the event that the application is approved, she requested certain changes, as follows: 1) required installation of a maximum 6-foot high cedar fence along the perimeter of the property, with the exception of the 141st Avenue side; and 2) relocation of the trash dumpster to a more internal site on the property. She expressed appreciation to Mr. Ryerson and other members of the staff for their professional and friendly assistance.

SHERI L. CALHOUN, 5035 SW 141st Avenue, Beaverton, OR 97005, indicated the location of her home on the map son, mentioned correspondence she has submitted (4 letters) and commented that her son and her have enjoyed living in this neighborhood for the past 6-1/2 years. She described the neighborhood as established single-family dwellings with mature landscaping and showed pictures illustrating 17 of the 22 homes located on 141st Avenue, expressing her opinion that this proposed development does not fit in with the nature of the community and that the R-2 zoning is irrelevant to how the residents relate to their neighborhood. She addressed issues that she feels will be most disruptive to this community, as follows: 1) the parking design, which resembles a strip mall style parking lot, is inconsistent with existing structures on the block; 2) the potential overpopulation of the schools in the neighborhood, which she feels will negatively impact the quality of education received by her son and other children in the area; and 3) the inadequacy of the proposed fence, which she feels should be changed to provide for the recommended maximum height good neighbor fence around the entire subdivision. She expressed her opposition to this development, based upon the issues addressed by her and her neighbors.

JIM HATLEN, 4870 SW 141st Avenue, Beaverton, OR 97005, indicated the location of his home on the map expressed his concern with parking issues, expressing his opinion that it is unreasonable to believe that the owner of a 1600 square foot two bedroom home would never have more than one vehicle at his residence. He pointed out that his 12-year-old son has been hit by a car while crossing 141st Avenue, adding that while the Beaverton Police Department does have speed traps installed on that street, they will only issue citations to drivers traveling over 40 miles per hour on this 25 mile per hour street. He emphasized that extra cars have no place to park other than 141st Avenue, which is already too busy. He agreed that while Mr. Biden has the right to develop his property and that he would do a nice job and everyone has to adjust to change, this development just does not fit into this neighborhood. He discussed several town home developments in the area that have not sold and have become rentals, noting that because they have garages and adequate overflow parking that is hidden from the street, these particular developments have not created parking problems.

DOROTHY LOCKHARD 5125 SW Sherwood Place, Beaverton, OR 97005, indicated the location of her home on the map, noting that she has lived in this area since it was a filbert orchard. She added that she is a real estate broker specializing in property sales in the Westbrook area. She mentioned that one of her nicest recent listings happens to be located right across the fence from the proposed development, emphasizing the impact on the property she is selling. She pointed out that although she had an earnest money agreement in effect, when she had disclosed this information, her client had been very upset due to the proximity of this tall building to her patio. Ultimately, the property had depreciated and she had been forced to accept less money for her client, although she is still not certain that the sale will even go through.

APPLICANT REBUTTAL:

Mr. Thompson addressed several issues, emphasizing that while the neighbors are opposed to any change within their neighborhood, urban growth boundary regulations provide that this type of change is mandated to occur within this area. He pointed out that the applicant is required to widen 141st Avenue, which will provide for some of the parking that has everyone so concerned, adding that the City's Traffic Comprehensive Plan proposes that this street become a 62-foot wide collector street. This two-lane road has already been determined to be inadequate and the applicant's development will be one of the first steps towards necessary improvements. He mentioned a letter submitted by the Central Beaverton Neighborhood Association Committee, noting that although the applicant has not seen this letter, they had met with this group and no action was taken at that time. He emphasized that while people had expressed concern with 22 vehicles at the proposed 11-unit development, the code only requires one parking space per unit, in an attempt to encourage bicycle and transit use. Although there has been mention of the possibility of only eight units, his interpretation of the code provides for the 11-units proposed, adding that this particular situation does not allow for a variance.

Mr. Thompson discussed concerns that the development will violate the privacy of adjoining property owners, assuring those concerned that there are plans to add sufficient trees and landscaping to prevent this from becoming a problem. He mentioned a suggestion to change the design by relocating the parking lot to the south and two units to the north, pointing out that this is not feasible with the setback and that it would actually result in less parking and smaller and less desirable units. The proposal to rehabilitate the existing unit has been considered, and Mr. Biden actually intends to move and utilize this structure at another location. He assured the Board members that although oil tanks are currently present on the site, they are not on the drawings and Mr. Biden intends to demolish and remove them. He discussed the cyclone fence, noting that the applicant intends to continue this fence all the way to the property line. He mentioned that the proposal to retain the cyclone fence along with the cedar fence, pointing out that this is not feasible because it would make it impossible to maintain the cyclone fence.

Mr. Thompson discussed the location of the dumpster, noting that no matter where it is located, it will be near someone's property, adding that they have attempted to place it in the most convenient and logical location. He observed that the proposal to reduce the size of the units would make them more difficult to sell, at which point Mr. Biden would be forced to rent the units, adding that he is certain that the neighbors would not appreciate this. He emphasized that school population is not a valid issue at this hearing, adding that this issue is already considered under the Comprehensive Plan. He mentioned that while a nearby apartment complex – The Keys Apartments – is not illustrated on the plans, it is in the area although some neighbors are unhappy with that situation as well. He

pointed out that the property Ms. Lockard is having problems selling is also a duplex, and that the proposed development would be putting a duplex next to an already existing duplex. Emphasizing that only twelve of the City of Beaverton's 66,000 residents are present to object, he added that the applicant is making every attempt to provide a good development. He highlighted the four changes proposed by the applicant: 1) the location of the trash cans on individual properties; 2) revision of the fence requirements to allow some changes to the cyclone fence, rather than the construction of a cedar fence (which he understands is an issue for the Facilities Review Committee); 3) allowing manual irrigation; and 4) changes in the sign requirements to at least allow the applicant to erect "For Sale" signs on the property.

Observing that he has been here all his life and does not personally like the Urban Growth Boundary regulations, Mr. Biden stated that it is necessary to live with it to accomplish certain goals. He described this situation as "no change – no growth – not in my back yard", adding that he is very familiar with this problem. He stated that he is a high-end developer with high quality developments.

Mr. Beighley questioned the development of the street-widening process, and Mr. Thompson informed him that this includes curbs, gutters, off-street parking, landscaping, sidewalks, storm drains and filter and street trees. Mr. Biden assured him that this development provides for full-design standards. Mr. Beighley discussed half-street development requirements, and Mr. Biden informed him that they would fulfill any necessary requirements.

Chairman Williams questioned whether street parking will be available and allowed when this street has been widened, and Mr. Morrison informed him that SW 141st Avenue is identified on the City's functional classification plan as a collector street – two lanes with bike lanes, sidewalks and a planter strip. The improvement required on the application will be a full half-street improvement, including curbs, gutters, sidewalks, and a planter. Until a full street improvement is done along that side of the street, there would be room for on street parking in the interim, which is assumed to be the 2020 planning horizon. He commented regarding the traffic calming issue, noting that 141st Avenue had been identified as a possibly eligible street for traffic calming, adding that the neighborhood's application meets the minimum criteria, although it has not been selected as a funded project at this time.

Mr. Lemon mentioned the density issue, and Mr. Ryerson clarified that they could not condition this development to reduce the number from 11 units to 8 units tonight, adding that staff needs to review the situation. He emphasized that the 11 units are required to be indicated on the site plan or in some other method. He commented that as proposed, there will be 10 units on 9 lots, adding that the 11th unit, to meet the required density, is considered a phase 2 scenario, and the applicant is indicating that they can provide the 11th unit at a later time.

Mr. Lemon requested clarification of Mr. Ryerson's statement regarding revisiting the code to determine whether the two duplexes could be reduced to a single unit, and Mr. Ryerson informed him that they will determine the feasibility of placing an additional unit with that one particular lot. Mr. Lemon emphasized that at some future time, regardless of what occurs with this particular application, this property will have to accommodate the 11 units required by code. Mr. Ryerson agreed that revisions to provide for 10 units will still result in one unit short of the required 11 units, which does not meet code.

Mr. Straus emphasized the requirement of long-term planning, adding that the code does not obligate the applicant to build the remaining three units – the requirement provides that they demonstrate that these units could be built.

Mr. Ryerson clarified that for staff purposes, they must review the application to determine how minimum density can be met. He agreed with Mr. Lemon's statement that the applicant has only to build a single unit on Lots 4 and 5 with the intent of adding a second unit in the future. Mr. Lemon pointed out that this future addition may not be feasible, questioning whether the staff takes this possibility into consideration and Mr. Ryerson clarified that the applicant must be able to indicate that they can meet minimum density requirements without a variance. Mr. Lemon expressed his opinion that it is not likely that a homeowner will be agreeable to the construction of another home over the top of his at some future point in time.

Observing that Mr. Ryerson is correct, Mr. Cooper referred to Section 20.05.80 of the Development Code, which states that "either through site plan or other means, future intensification of site at the minimum density can be achieved". He explained that it is possible to build an oversized foundation system bearing walls that support, theoretically, that second structure, and could also require legal documentation providing for the disclosure of this information to any potential purchaser, stressing that without this assurance, this might not be possible tonight.

Mr. Straus suggested the probability of starting out with 8 units to help mitigate the concerns regarding the scale of the buildings. He noted that at this time, it might be possible to condition the approval to demonstrate structural feasibility, provide for the necessary legal document and the requirement for the additional unit would not be necessary until the lower unit sells. Mr. Cooper informed Mr. Straus that he does not believe that do not believe this application could be conditioned in this way, emphasizing that he is concerned with the content of a legal document that has not yet been determined.

Chairman Williams mentioned that the applicant feels certain that a single unit will sell faster and for a better price, which will help expedite the entire project. He suggested that it might only necessary to confirm that the Board of Adjustment approves of this variation, should it occur.

Mr. Straus indicated that there are many issues that can not be resolved tonight, and Chairman Williams stated that this is why he would like to approve the project and allow the applicant to resolve these issues outside of the meeting. Mr. Straus emphasized that he does not understand how it is possible to prepare conditions that would address these issues adequately, particularly in regard to a legal document providing for an additional unit at a later time. Chairman Williams expressed his opinion that this would not be necessary, and Mr. Straus stated that although the Board would not have to write the actual document, it would be necessary to define what it is in a legally binding manner. Mr. Straus suggested that the applicant might choose to take advantage of a continuance to resolve some of these issues in greater detail with staff and return with clearly defined solutions that can be understood and approved by everyone. He emphasized that there are loose ends regarding the garbage enclosures, density issues and fencing, adding that he does not feel adequately prepared at this time to resolve these issues. He suggested that tying up the loose ends might improve the likelihood that the application will be approved.

Commenting that while he appreciates the staff's dilemma, Mr. Lemon observed that he is also appreciative of the applicant's offer for revisions. He expressed his agreement with Mr. Straus, stating that he does not feel comfortable in attempting to condition this situation and added that this potential loophole in the code might not result in a win/win situation for the neighborhood or the applicant. He suggested that there might be a solution that better satisfies everyone concerned, emphasizing that with the density requirements, eight units versus 11 units is not an issue – it is going to occur eventually in this R-2 zone. He outlined the three options available to the Board at this time, including: 1) approval; 2) denial; and 3) continuance. Chairman Williams advised Mr. Lemon that the approval or denial could be conditioned with recommendations, observing that it is not possible to totally resolve every issue in this situation. Mr. Lemon commented that he has a problem with recommendations on this particular application.

Observing that he had been unaware of any problem with these issues until Monday evening when he had met with the neighbors, Mr. Biden repeated that if permitted, he would be happy to eliminate two units. He mentioned that from a marketing standpoint and a livability standpoint, he does not like flats, adding that it is necessary to show the possibility of eleven units. He explained that with the proposed reduction to eight units, their intent was then for 1-1/2 or 1-3/4 story units to replace the two flats. He discussed the suggestion for adding to the units later, pointing out that this would at least involve the removal of the roof, which is not feasible. He reminded the Board that a Homeowner's Association is involved, and at some point it will be necessary to transfer the title of the land. This eleventh lot will be the property of the Homeowner's Association, and he will be unable to come in for further construction without the agreement of the ten residents through a Board of Directors. He stated that it is not realistic to anticipate the probability of selling a unit with the understanding that he will later remove the roof and put a unit over their home. He concluded that he has

submitted an application for ten units, he is not requesting a variance and he is making every effort to cooperate with the neighbors.

Chairman Williams suggested discussion of the application, as is, pointing out that the reduction to eight units is not realistic in this situation. Mr. Straus commented that the Board could discuss and attempt to resolve the issues.

The public testimony portion of the Public Hearing was closed at this time.

Mr. Lemon requested clarification of the count of the units, observing that ten units are proposed, with a two-story duplex at Lots 4 and 5, noting that the elevation of these units will be lowered into the ground to reduce the visual effect. Mr. Straus explained that in order to meet Metro's requirements, it must be demonstrated that 11 units can be built on site, adding that while there is no obligation to actually build these units, the means by which they can be built must be demonstrated. He added that if these upper units were a problem issue, one solution would be to not build these upstairs units at this time, but simply create the structural feasibility and legal means by which this would be possible. He emphasized that they may never be built, but the feasibility must be demonstrated. Mr. Lemon suggested that the applicant's willingness to eliminate two of the units would be to construct only the bottom half of the units on Lots 4 and 5, add a gable or truss roof and proceed from there. Mr. Straus clarified that when the applicant had consented to eight units, he had not been aware that those eight units would be capable of becoming ten units, adding that the issue at hand is the difference between the capability and the reality of this actually occurring. Chairman Williams noted that not enough latitude is available in this particular situation. Mr. Straus commented that while compatibility is a requirement, there are also stipulations that cause the project to be incompatible, adding that his inclination is to meet the needs of the City of Beaverton first, at which point Metro can determine how to resolve any issues they might have.

Mr. Straus commented that the Board can only take action at this time on the 10-unit proposal and can not provide conditions to eliminate the two units. He added that he does not feel comfortable with this 10-unit proposal, which he feels is too much for this particular piece of property, noting that there are still other issues involving trash collection and parking. He stated that until these issues are adequately resolved, he is not prepared to approve this application on the presumption that they will be resolved at a later time.

Chairman Williams discussed the parking issue, questioning the feasibility of tilting the first space to the southwest and the tree and planting island removed. Mr. Straus expressed his opinion that these issues can be resolved, adding that it is not customary to leave such issues open-ended and that the applicant is expected to provide the design. Chairman Williams reminded Mr. Straus that these two issues had been discussed with the applicant and they don't appear to be a problem at this point. Mr. Straus emphasized the necessity of including language

that is specific enough to address the problems that have been identified. Chairman Williams suggested that the first stall either be rotated or that the entire line of parking spaces shifted down to allow a better turning radius for that particular parking space, and Mr. Straus agreed with these two options.

Chairman Williams brought up the trash storage and collection issue, and Mr. Lemon suggested a condition for an agreement with a trash disposal company to pick up trash at the curb side on a weekly basis, that the trash be stored within the units, and in the event that the agreement with the trash disposal company changes at some future time, an approved trash enclosure be provided. Mr. Straus commented that while it is not customary to condition the behavior of future occupants, it is possible to condition what is actually built. He questioned the intent of requiring a specific provision for storing trash within each unit or at some central location, adding that the Board is obligated to address this issue. Chairman Williams reminded Mr. Lemon that the stipulations provide that trash is stored within the building, not necessarily a garage. Observing that the garage is an appropriate location, Mr. Straus mentioned that with no garages and a utility room that is basically a habitable space, he is concerned with the storage of trash. Chairman Williams stated that the trash could be stored on the back porch. Mr. Straus reminded him that there is no way to condition this application so that the trash is not stored outside the building, because there is no enclosure for the storage area, expressing his opinion that an enclosed trash storage area is appropriate and necessary. Chairman Williams mentioned that he lives in an area that is not as dense as this and that his trash container is located outside, off to the side of his building, at all times and suggested that the back yard might provide a solution to this problem. Mr. Lemon disagreed, indicating that this would create a problem for neighbors. Mr. Beighley agreed that this issue needs to be resolved, and Chairman Williams indicated that if no reasonable long-term reliable solution were found, the only remaining option would be a trash enclosure. Mr. Straus commented that with garages, trash enclosures become a necessity. Mr. Williams questioned ideas for this trash enclosure, and Mr. Straus indicated a location, adding that this would not necessarily have to be a dumpster, but a possible series of trashcans within an enclosure. Chairman Williams expressed his opinion that this might resolve the problem, adding that it is not only accessible and in a better location, but could solve the parking problem at the same time.

Mr. Straus discussed the carport, suggesting that the ends be squared off match and appear to be more a part of the building. Chairman Williams agreed that while the carport angles appear to be skewed, the remainder of the project is squared off. Mr. Straus commented that the construction will be easier without all of the angles, plus it will enable them to bring the structure to within five feet of the property line.

Chairman Williams mentioned the issue with the fence, and Mr. Lemon explained that because the fence is included in the Facilities Review, the Board of Design Review is not directly involved. Chairman Williams suggested a stipulation that

it is acceptable to place all of the boards on the inside of the fence to eliminate the necessity of obtaining clearances from property owners on the other side of the fence. On question, Mr. Straus was informed that the applicant is also the owner of the existing chain link fence and that they are able to remove this fence for the construction of the proposed wood fence. Mr. Beighley suggested the advisability of providing for a slight gap between the boards, adding that this circulation is one of the characteristics of a good neighbor fence. On question, Mr. Ryerson noted that this issue is included on page 5 of 19, Finding i., which provides that "...the Board of Design Review is the decision-maker on fencing and walls." Mr. Straus mentioned Mr. Biden's proposal for redwood fencing, and Mr. Biden indicated that he does not intend to install several hundred feet of redwood. Mr. Straus informed him that he has this option, although cedar is acceptable.

Mr. Beighley commented that he feels that the Board should go on record as opposed to the construction of eleven units on this site and Mr. Straus stated that they would support a request from the applicant to reduce the number of units on site.

Mr. Lemon **MOVED** and Mr. Straus **SECONDED** a motion to approve BDR 99-00207 – Lynann Park Subdivision, based upon the testimony, reports and exhibits presented during the Public Hearing and upon background facts, findings and conclusions filed in the Staff Report dated April 13, 2000, including Conditions of Approval Nos. 1 through 21, with the following amendments and additional conditions:

- 11) The installation of an approved automatic irrigation system shall be required in all common areas of the project to ensure the longevity of all landscaping. Further, landscaping shall be maintained by weeding, pruning, and replacing as necessary;
- 22) The four parking stalls at the southwest section of the parking area shall be shifted approximately four feet to the north;
- 23) The planting area at the north end of the east parking stalls shall be deleted and replaced with standard drive aisle paving section;
- 24) The carport shall be extended from the present location south in a continuous structure to within the legal setback distance from the south property line;
- 25) The arborvitae in the east planter along the west property line shall be upsized to 4-foot in height; the Sterling Linden (street trees) shall be upsized to 2-inch in caliper; the Red Maple and the Norway Maple shall also be upsized to 2-inch in caliper;

- 26) The wood fence system on top of the masonry wall along the east property line along the east edge of the parking area shall be constructed of unpainted natural Redwood;
- 27) The six-foot wood fence shall be a solid fence in lieu of a good neighbor fence. The material shall be as described in the Facilities Review Report; and
- 28) The trash enclosure shall be relocated to the planter area in the southwest corner of the parking lot.

Further, as a recommendation, the Board of Design Review is opposed to the construction of 11 units for this project, but would approve the applicant's request to modify the project at this time for the construction of 8 units, in accordance with the City of Beaverton Development Code Requirements.

Chairman Williams requested clarification regarding Condition of Approval No. 16, specifically the intent of this condition in regard to real estate signs, and Mr. Ryerson cited Development Code Section 60.30.15.7 provides for the placement of these signs in connection with real estate transactions, adding that no permit is required.

Chairman Williams mentioned the carport that was to be connected, and Mr. Lemon repeated that his motion had provided for a continuous structure from its present location to the legal setback of the south property line. Mr. Straus clarified that there are two separate carports, and Mr. Lemon modified Condition of Approval No. 24, as follows:

- 24) The carport shall be **a single structure covering the west parking stalls from the north end of the parking** ~~extended from the present location south in a continuous structure~~ to within the legal setback distance from the south property line;

Mr. Straus noted that they may not want to be that specific, indicating that he would specify a single structure covering all parking spaces, adding that the object is to have the structure squared off at both ends as well as addressing the issue of some type of entry portal as part of the design.

Chairman Williams suggested that this be attached as a design concept.

Mr. Straus amended Condition of Approval No. 24, as follows:

- 24) The carport shall be a **single rectangular-shaped roof running from the north setback line with a portal entry feature at the plaza entry** ~~structure covering the west parking stalls from the~~

~~north end of the parking~~ extended from the present location south in a continuous structure to within the legal setback distance from the south property line;

Mr. Straus mentioned the discussion regarding vine growies or Boston Ivy on the wood fence.

Mr. Lemon amended the motion to include the following Condition of Approval:

- 29) Boston Ivy shall be planted on the east side of the east masonry fence.

Motion, as amended, **CARRIED** unanimously.

Mr. Lemon commented that he is very impressed with the depth of the research and study conducted by the neighbors of this proposed project, adding that he regrets that because of issues beyond their control, the Board was unable to resolve the issue more to their satisfaction.

MISCELLANEOUS BUSINESS:

The meeting adjourned at 10:37 p.m.